

NOTICE OF OPEN MEETING

AGENDA

5th Meeting

DATE: Tuesday, April 14, 2015

TIME: 9:00 a.m.

**PLACE: Rhode Island Ethics Commission
Hearing Room - 8th Floor
40 Fountain Street
Providence, RI 02903**

- 1. Administration of Oath of Office to Marisa A. Quinn.**
- 2. Motion to approve minutes of Open Session held on March 24, 2015.**
- 3. Advisory Opinions:**
 - a.) Michele H. Kazarian, Esq., the Probate Judge for the City of East Providence, who also works part-time as an attorney for the Rhode**

Island General Assembly, requests an advisory opinion regarding whether the Code of Ethics prohibits: (1) her participation in matters before the East Providence Probate Court in which a current or former employee or member of the general assembly is the attorney of record; and (2) her continued political activity for various state and local candidates.

b.) Christine J. Engustian, Esq. the former Probate Judge for the City of East Providence, requests an advisory opinion regarding whether the Code of Ethics prohibits her from representing clients before the East Providence Probate Court and the East Providence City Council within one year following the date of her official severance from the East Providence Probate Court.

c.) Maria Lawler, the Treasurer for the Town of Exeter, requests an advisory opinion regarding whether the Code of Ethics prohibits her from accepting an offer from the Town Council that would expand her role as Treasurer from that of a part-time to a full-time position, with an associated increase in salary commensurate with the expansion of her duties.

d.) Jon M. Restivo, Esq., a member of the Foster Town Council, requests an advisory opinion regarding whether he qualifies for a hardship exception to the Code of Ethics' prohibition on representing himself before subsidiary boards, the Foster Zoning Board and the Foster Planning Board, in order to establish a residential compound

on the property of his personal residence.

e.) James V. Silvestri, a member of the Westerly Town Council, requests an advisory opinion regarding whether the Code of Ethics prohibits him from participating in Town Council matters involving the customers of the NAPA Auto Parts store that he owns in Westerly.

f.) Daniel P. McKiernan, a legislator serving in the Rhode Island House of Representatives, requests an advisory opinion regarding whether he may enter into a law partnership with two other attorneys who are registered legislative lobbyists.

4. Legislative Update: Review and discussion of pending legislation, and of the Commission's position on same, including:

a.) House Bill 2015 - H 5306: An Act relating to public officers and employees - Code of Conduct. This act would establish a "code of conduct" for all of the people who are subject to the existing Code of Ethics. This code of conduct generally requires that public employees and officials demonstrate civility and professionalism in all communications and interactions with the public and with other public officials. The code of conduct would be enforced by the Ethics Commission, and the penalty for a violation of the code of conduct shall be a fine of not more than \$1,000 per offense.

b.) Joint Resolution 2015 - H 5374 and Joint Resolution 2015 - S 0056:
Identical resolutions “to approve and publish and submit to the electors a proposition of amendment to the Constitution of the State (Ethics Commission).” These resolutions would amend both the Ethics Amendment and the Speech in Debate Clause of the Rhode Island Constitution to clarify that the Ethics Commission has the authority and jurisdiction to investigate and adjudicate a legislator’s alleged violations of the Code of Ethics that involve core legislative acts.

c.) House Bill 2015 - H 5663: An Act relating to public officers and employees - Code of Ethics. This act would eliminate several exceptions to the Code of Ethics’ “revolving door” prohibitions found in R.I. Gen. Laws § 36-14-5(n) and 5(o). As to the provision barring a state elected official from seeking or accepting state employment while in office and for a year thereafter, the Act eliminates language that would allow the Ethics Commission to authorize an exception where it “would not create an appearance of impropriety.” As to the provision barring the senior members of a state elected official’s staff from seeking or accepting state employment until one year after leaving the position, the Act would (1) specify that it also applies to “department heads” as well as the Governor’s staff; (2) eliminate an exception for cases in which the employee has a minimum of five years of uninterrupted state service; and (3) eliminate language that would allow the Ethics Commission to authorize an exception where it “would not create an appearance of impropriety.”

d.) House Bill 2015 - H 5860: An act relating to the General Assembly. This Act would prohibit members of the General Assembly from holding other offices in municipal government.

e.) Joint Resolution 2015 - S 0173: A resolution “to approve and publish and submit to the electors a proposition of amendment to the Constitution of the State (Ethics Commission).” This resolution would amend both the Ethics Amendment and the Speech in Debate Clause of the Rhode Island Constitution to clarify that the Ethics Commission has the authority and jurisdiction to investigate and adjudicate a legislator’s alleged violations of the Code of Ethics that involve core legislative acts. However, unlike the joint resolutions set forth in section 5(a) of this agenda, this resolution would also (1) provide speech in debate immunity when a legislator discusses or debates, whether verbally or in writing, any matter within his or her core legislative duties; and (2) provide for a right to a trial de novo in court to any person against whom the Ethics Commission finds in violation of the Code of Ethics.

5. Director’s Report:

a.) Docket Status Update.

6. Motion to go into Executive Session, to wit:

- a.) Motion to approve minutes of Executive Session held on March 10, 2015.**
- b.) Motion to approve minutes of Executive Session held on March 24, 2015.**
- c.) In re: Eunice D. DeLaHoz, Complaint No. NF2014-1, pursuant to R.I. Gen. Laws § 42-46-5(a)(2) and (4).**
- d.) Motion to return to Open Session.**
- 7. Motion to seal minutes of Executive Session held on April 14, 2015.**
- 8. Report on actions taken in Executive Session.**
- 9. New Business proposed for future Commission agendas and general comments from the Commission.**
- 10. Adjournment.**

ANYONE WISHING TO ATTEND THIS MEETING WHO MAY HAVE SPECIAL NEEDS FOR ACCESS OR SERVICES SUCH AS A SIGN LANGUAGE INTERPRETER, PLEASE CONTACT THE COMMISSION BY TELEPHONE AT 222-3790, 48 HOURS IN ADVANCE OF THE SCHEDULED MEETING. THE COMMISSION ALSO MAY BE

**CONTACTED THROUGH RHODE ISLAND RELAY, A
TELECOMMUNICATIONS RELAY SERVICE, AT 1-800-RI5-5555.**

Posted on April 9, 2015